

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on August 4, 2009.

Mayor David W. Cline presided and called the meeting to order at 6:30 p.m.

Mayor Cline led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Tim Gover, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor David Cline.

Also physically present were City personnel: Interim City Administrator John Kolata, City Attorney & Treasurer J. Preston Owen, Tourism Director Angelia Burgett, Community Development Coordinator Kyle Gill, Police Chief David Griffith, Fire Chief Mike Chism, Public Works Director David Wortman, and City Clerk Susan O'Brien.

Mayor Cline seconded by Commissioner Gover moved to approve the consent agenda consisting of minutes of the regular meeting July 21, 2009; police department and library reports for the month of June, 2009; payroll and bills for the last half of July, 2009.

Bills and payroll for the last of July, 2009

General Fund

Payroll		\$ 262,495.64
Bills		<u>\$ 123,220.44</u>
	Total	\$ 385,716.08

Hotel Tax Fund

Payroll		\$ 2,679.77
Bills		<u>\$ 1,325.84</u>
	Total	\$ 4,005.61

Festival Management

Bills		<u>\$ 28,478.31</u>
	Total	\$ 28,478.31

**Insurance & Tort
Judgment**

Bills		<u>\$ 1,636.40</u>
	Total	\$ 1,636.40

Midtown TIF Fund

Bills		<u>\$ 375.00</u>
	Total	\$ 375.00

Capital Project Fund

Bills		<u>\$ 284,474.62</u>
	Total	\$ 284,474.62

Water Fund

Payroll		\$ 31,709.45
Bills		<u>\$ 14,166.70</u>
	Total	\$ 45,876.15

Sewer Fund

Payroll		\$ 28,198.82
Bills		<u>\$ 45,146.94</u>
	Total	\$ 73,345.76

Cemetery Fund

Payroll		\$ 4,946.27
Bills		<u>\$ 985.83</u>
	Total	\$ 5,932.10

Health Insurance

Bills		<u>\$ 158,550.20</u>
	Total	\$ 158,550.20

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline opened the floor for non-agenda communications.

Clerk O'Brien read the following proclamation:

**CITY OF MATTOON
CENSUS 2010 PROCLAMATION**

WHEREAS, the next **Decennial Census** will be taken in the year 2010, and political representation to the United States House of Representatives, state legislatures and local governments is determined by the **Decennial Census**, and the City of Mattoon recognizes the equal importance of each resident in the 2010 Census count; and,

WHEREAS, the City of Mattoon has agreed to be one of 6,425 government entities in partnership with the U.S. Bureau of the Census; and,

WHEREAS, the City of Mattoon understands that it's primary role in this partnership is to formulate a **COMPLETE COUNT COMMITTEE** that should include, but is not limited to the following sub-committees: **Government, Education, Media, Religious, Community-based Organizations, Business, Recruiting, and Special Housing**; and,

WHEREAS, the role of the **Government** sub-committee is to bridge all gaps between the community and the Census Bureau on geographic matters, outreach activities, and information centers; and,

WHEREAS, the role of the **Education** sub-committee is to create census awareness programs for pre-kindergarten to college age students, coalesce with educational institutions, distribute Census Bureau Education Programs, and to encourage parents and college students to apply for Census job; and,

WHEREAS, the role of the **Media** sub-committee is to utilize all aspects (print and electronic) of its industry to inform, motivate, and educate the city's residents in the necessity and importance of their rapid response and 100% participation in the Census 2010; and,

WHEREAS, the role of the **Religion** sub-committee is to form a cross denominational coalition for the dissemination of Census information, inclusion of special announcements in church bulletins and sermons, hosting of Census awareness activities, and circulation of Census job opening bulletins; and,

WHEREAS, the role of the **Community-based Organizations** sub-committee is to make the community aware of the many ways Census data is used to obtain funding for essential services and programs; and,

WHEREAS, the role of the **Business** sub-committee is to encourage all area businesses to advertise the Census message in sales advertisements, promotional materials and displays, and to sponsor Census 2010 community awareness activities; and,

WHEREAS, the role of the **Recruiting** sub-committee is to receive and disseminate to all segments of the community, information regarding the availability of Census jobs in the local area; and,

WHEREAS, the role of the **Special Housing** sub-committee is to assist in the location of shelters, soup kitchens, non-sheltered outdoor locations, group quarters, and other non-conventional housing facilities.

THEREFORE, I, David W. Cline, Mayor of the City of Mattoon hereby proclaim full support and participation in the overwhelming success of Census 2010 through the formulation of a **COMPLETE COUNT COMMITTEE**, and have hereunto set my hand and caused the seal of the City of Mattoon, Coles County, Illinois to be affixed this 4th day of August, 2009.

/s/ David W. Cline
David W. Cline
Mayor
City of Mattoon, Illinois

Commissioner Hall presented Assistant Fire Chief Andy Adair with a retirement plaque, reflecting over 25 years of service with the City.

Director Wortman reported on the Waterfowl lottery results of 65 applications with 24 participants from Mattoon (15), Charleston (4), Neoga (1), Stewardson (1), Oakland (1), Lerna (1), and Windsor (1) receiving hunting privileges for the 2009 hunting season.

Commissioner Rankin proposed a first reading of ordinances with final consideration at a following meeting. Council, Administrator Kolata and Attorney & Treasurer Owen debated the proposal with input from the public of Ms. Joyce St. Michael and Mr. Herb Meeker. Council was to further consider the proposal.

Mayor Cline opened the floor for agenda item communications. Administrator Kolata reviewed agenda items. Discussion ensued from Commissioner Rankin with respect of using seasonal City workers for removal and replacement of sidewalks in CDR 2009-997. Council debated the monetary savings by having City crews complete the projects. Mr. Meeker inquired on responsibility of contractors for vandalism of recently replaced sidewalks with Director Wortman stating the contractors' have the responsibility to repair the acts of vandalism.

Commissioner Ervin opened discussion on amending the fence ordinance per citizens' request for a six foot privacy fence. Coordinator Gill stated fences at the corner lots were the real issue. Council with input from Administrator Kolata and Coordinator Gill discussed setbacks, opacity requirements, and vision triangles. Administrator Kolata requested the Council table the ordinance for further revision and consideration at the next Council meeting.

Commissioner Ervin seconded by Commissioner Hall moved to approve Council Decision Request 2009-997, awarding the bid to Bartels Construction for the removal and replacement of sidewalks on 10th Street in the amount of \$94,953.78 and on 14th Street in the amount of \$108,245.64; and authorizing the Mayor to sign the contracts.

Mayor called for comments. Commissioner Hall appreciated the suggestion from Commissioner Rankin to review in-house labor for sidewalk replacements. Commissioner Rankin reiterated his request for in-house labor for sidewalk replacements.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, NAY Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to adopt Special Ordinance 2009-1351, granting a variance from building setback requirements to enable construction of an addition to the rear of the main structure located at 3320 Shelby Avenue. Nathan Perry – Petitioner.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009-1351

**AN ORDINANCE GRANTING A VARIANCE FROM BUILDING SETBACK REQUIREMENTS TO ENABLE
CONSTRUCTION OF AN ADDITION TO THE REAR OF THE MAIN STRUCTURE LOCATED AT 3320 SHELBY
AVENUE.**

WHEREAS there has been filed a written Petition by Nathan Perry for a variance, respecting the property legally described as:

Lot nineteen (19), of Maplewood Addition to the City of Mattoon, Coles County, Illinois,
commonly known as 3320 Shelby Avenue, Mattoon, Illinois.

WHEREAS, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow construction of a new addition to the rear of the main structure and to keep the construction in line with east side of said structure, which is 3 feet 8 inches from the property line; and

WHEREAS the zoning code requires a 5 feet side yard setback in R1, Single Family Residential Zoning District; and

WHEREAS the Zoning Board of Appeals held a properly noticed, public hearing on July 21, 2009 regarding petitioner's request for said variance; and

WHEREAS both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested variance be granted; and

WHEREAS the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variance is in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a variance of the side yard setback requirement, to enable construction of an addition to within 3 feet 8 inches of the east property line of 3320 Shelby Avenue.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Section 4. The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor Cline, seconded by Commissioner Ervin, adopted this 4th day of August, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,
Commissioner Hall, Commissioner Rankin,
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of August, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 5, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Ervin moved to adopt Resolution 2009-2783, authorizing participation in the State of Illinois Federal Surplus Property Program.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2009-2783

A RESOLUTION AUTHORIZING PARTICIPATION IN THE STATE OF ILLINOIS FEDERAL SURPLUS PROPERTY PROGRAM

WHEREAS, the City of Mattoon has limited fiscal resources available for the procurement of heavy-duty construction equipment, vehicles, commodities and other property; and

WHEREAS, the Illinois Federal Surplus Property Program offers a variety of surplus property at approximately 5-25 percent of acquisition value, effectively reducing program costs by acquiring items that have been used to their life expectancy or property that must be replaced for safety or economic reasons; and

WHEREAS, the City of Mattoon agrees to the following terms and conditions: to use the surplus property only in the official program which it represents; and upon receipt, agrees to place the surplus property into use within one year; and it agrees that the property shall be used for a period of one year (certain items, eighteen months); that it agrees it will not sell, loan, trade or tear down the property without written consent from the State of Illinois; and

WHEREAS, the City of Mattoon understands that surplus property must be used in an authorized program and that personal use or non-use of surplus property is not allowed.

THEREFORE, WE THE ELECTED OFFICIALS OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS do hereby consent and decree that the City of Mattoon is authorized to participate in the State of Illinois Federal Surplus Property Program.

Upon motion by Commissioner Rankin, seconded by Commissioner Ervin, adopted this 4th day of August, 2009 by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,
Commissioner Hall, Commissioner Rankin
Mayor Cline

NAY (Names): None

ABSENT (Names): None

Approved this 4th day of August, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:
/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 5, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Gover moved to approve Council Decision Request 2009-998, authorizing the purchase a digital storage solution for use by the Mattoon Police Department to be paid with Federal Sharing (Omega) funds.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to adopt Ordinance 2009-5278, amending Chapter 152 of the Municipal Code; and approving updated fence regulations.

Mayor called for comments. Administrator Kolata stated the ordinance is a classic case for layover and further review.

Commissioner Hall seconded by Commissioner Rankin moved to table Ordinance 2009-5278.

Mayor Cline declared the motion to table the ordinance carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to recess to closed session at 7:13 p.m. pursuant to the Illinois Open Meetings Act the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)).

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Council reconvened 7:57 p.m.

Commissioner Rankin seconded by Commissioner Ervin moved to adjourned 7:58 p.m.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

/s/ Susan J. O'Brien
City Clerk